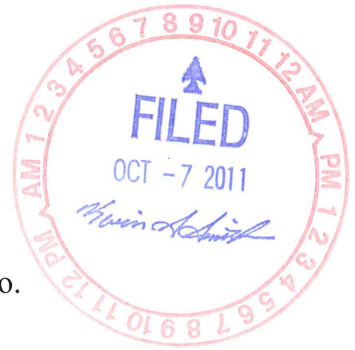


In the
Indiana Supreme Court

In re MORTGAGE FORECLOSURE
BEST PRACTICES

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)

Supreme Court Cause No.
94S00-1101-MS-3



ORDER ON MORTGAGE FORECLOSURE BEST PRACTICES

The Court has under consideration the petition of the Indiana Attorney General proposing that the current directive on Mortgage Foreclosure Best Practices be moved forward toward formal rule-making.

The petition carries special weight, arising from the Attorney General's cooperation and continued involvement with the Supreme Court's Mortgage Foreclosure Task Force, as well as his assistance in the creation of the Best Practices, which were developed by the Task Force of consumer advocates, law professors, creditor attorneys, trial judges, representatives of the Attorney General's office, and settlement conference facilitators. This collaborative product was posted as advisory guidelines to trial judges and practitioners on January 3, 2011.

Upon receiving the petition, the Court opened a period for public comment and also asked the Committee on Rules of Practice and Procedure to examine the proposal. In the course of this process, this petition has generated greater attention to the issue of mortgage foreclosure procedures, and prompted several key changes in the current mortgage foreclosure law.

Six of the Best Practices have become law in the course of the last few months, incorporated into Senate Enrolled Act 582, which took effect July 1 of this year. Moreover, several of the comments tendered in response to the Attorney General's petition have been incorporated into the Best Practices. In addition, twenty counties in the Supreme Court's Mortgage Foreclosure Trial Court Assistance Project, covering about two-thirds of the state's foreclosure filings, have adopted the Mortgage Foreclosure Best Practices for use in foreclosure proceedings.

Given the tenor of the submitted comments, and in light of the relatively frequent changes within the mortgage industry, the Court has concluded that it would be more advantageous to keep these Best Practices fluid, and to request that they be continually updated by the Supreme Court's Mortgage Foreclosure Task Force.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit and superior court in the state of Indiana; the Attorney General of Indiana; the Indiana Judicial Center; the Indiana Bankers Association; the Indiana Mortgage Bankers Association; Christine M. Jackson; Michael Feiwell; Stephen Foutty; the Hon. Nancy E. Boyer; the Hon. Cynthia J. Ayers; the Hon. David Dreyer; the Hon. Louis Rosenberg; the Hon. David Happe; the Hon. Diane Schneider; the Hon. William Davis; the Hon. Jenny Manier; Jennifer Weber; David Pesel; Marcy Wenzler; Professor Judith Fox; Professor Alan White; Jeffry A. Lind; Lilia Judson, Executive Director of the Division of State Court Administration; Elizabeth F. Daulton; David J. Remondini; Theodore F. Smith, Jr., Chairperson of the Indiana Supreme Court Committee on Rules of Practice and Procedure; Kathryn Dolan, Supreme Court Public Information Officer;

and the Supreme Court Administration Office. The Clerk is also directed to post this order to the Supreme Court's website.

Done at Indianapolis, Indiana, this 7th day of October, 2011.

Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana